No. 34263

IN THE

Supreme Court of Illinois

JANUARY TERM, A. D. 1957.

CHICAGO LAND CLEARANCE COMMISSION, a municipal corporation,
Appellee,

vs.

QUINN HOME BUILDERS, a corporation of Illinois, et al., THOMAS O'DONNELL and MARY O'DONNELL,
Appellants.

Appeal from Circuit Court of Cook County.

Eminent Domain

Honorable Denis J. Normoyle, Judge Presiding.

Abstract of Record

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The Scheffer Press, Inc.—ANdover 3-6850

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IN THE

SUPREME COURT OF ILLINOIS

JANUARY TERM, A. D. 1957.

CHICAGO LAND CLEARANCE COMMISSION, a Municipal Corporation, Appellee, vs. QUINN HOME BUILDERS, a Corporation of Illinois, Et Al., THOMAS O'DONNELL and MARY O'DONNELL, Appellants.	Appeal from Circuit Court of Cook County. — Eminent Domain — Honorable Denis J. Normoyle, Judge Presiding.

ABSTRACT OF RECORD.

Page of Record

1 Placita, Circuit Court of Cook County, Illinois.

3 Petition to Condemn filed June 7, 1955 by Chicago Land Clearance Commission alleging that petitioner is a municipal corporation; that the action is instituted under the "Blighted Areas Redevelopment Act of 1947" as amended in 1949 and 1951; that petitioner was organized under this statute; that on July 26, 1950 petitioner determined that a certain area was a blighted vacant area under such statute because of "obsolete platting, diversity of ownership, deterioration of structures or of site improvements, or taxes or special assessment delinquencies exceeding the fair value of the land"; that said determina-

tion was approved by the Chicago City Council and the State Housing Board; that the purpose of taking the property is to clear it and make it available for redevelopment and this is a public purpose; that petitioner tried to acquire it by gift or purchase and was unable to do so; that the acquisition of parcels described in the petition is necessary; that certain people whose names are set out in the petition are the owners of the real property described in the petition including the respondents, Thomas O'Donnell and Mary O'Donnell, who are the owners of Parcel 2-45 legally described as

> Lot 11 in Block 9 in John R. O'Connor's Beverly Gateway, being a subdivision of the East half of the South Half of the Southeast Quarter, etc. in Section 25, Township 38 North, Range 13, East of the Third Principal Meridian in Cook County, Illinois;

that the County Treasurer and the County Clerk of Cook County are to be made parties because of possible real estate tax liens and that the City of Chicago is made a party because of a possible interest due to special assessments; that others should be made defendants as "Unknown Owners" and the petition prays for process to issue, that just compensation for the real estate be ascertained and that petitioner be vested with a fee simple title to the real estate.

Traverse of respondents, Thomas O'Donnell and Mary O'Donnell and others, denying and calling for strict proof that petitioner is authorized to condemn the property of respondents; that petitioner seeks to acquire the property for a proper public purpose; that all necessary conditions exist so that petitioner may condemn; that the "Blighted Areas Redevelop-

ment Act of 1947" as amended applies to respondents' property; that the classification of respondents' property as a blighted vacant area or as a portion of a slum or blighted vacant area is a proper classification, and respondents state that such classification is unreasonable and unsound; that petitioner's determination of July 26, 1950 is a fair, proper and just determination, and, even if it was, it was made five years before the condemnation petition; denies that as of the date of filing such condemnation petition the said area was blighted by "obsolete platting" etc., but asserts the development of the area was arrested by activities of petitioner; denies that the action of the City Council of Chicago approving petitioner's determination was a fair and just action; denies that the State Housing Board, in approving petitioner's determination, acted fairly or properly or legally; denies that the redevelopment plan conforms to the Building and Zoning Ordinances of the City of Chicago; denies that property of respondents is necessary or required for the purposes stated by petitioner; denies that any proper legal determination was ever made; denies that the property of respondents was in a slum or blighted area or a blighted vacant area; denies that the definition of a slum or a blighted or blighted vacant area contained in said Act applies to the property of respondents; and asserts that the "Blighted Areas Redevelopment Act of 1947" as amended is invalid for the reasons that it purports to delegate legislative functions without establishing appropriate rules and procedures; it is invalid because said Act embraced more than one subject and said subjects are not expressed in the title thereof and asks that the petition to condemn be dismissed.

41 Stipulation Of Facts between the parties, exclusive of caption and signatures, as follows:

STIPULATION OF FACTS

It Is Hereby Stipulated and Agreed by and between the parties to this cause, by their respective attorneys of record, that:

(1) For all purposes of this case, in the Circuit Court of Cook County, Illinois, and in every other court in which this cause at any time pends, whether by appeal or otherwise, the facts stated in the "Statement of Agreed Facts", hereinafter set forth, shall be, as between the parties hereto, taken as true without further proof.

(2) Each of said parties reserves the right to question, by objection or otherwise, to the extent and in the same manner that he, she or it might so question had this stipulation not been executed, the relevancy, materiality and competency as a matter of law of any fact stated in said "Statement of Agreed Facts". Neither the execution of this stipulation, nor any provision of it, nor the inclusion of any fact in the "Statement of Agreed Facts", shall be construed as an admission by either party of the relevancy, materiality or competency of any fact in this cause.

(3) Each and every of the parties hereto reserves the right to introduce any further evidence which is material or relevant to the issues involved in the above entitled cause, to the extent and in the same manner that the said party might introduce such evidence had this stipulation not been executed.

(4) The matters contained in the "Statement of Agreed Facts" are not to be considered to be an admission of said facts by either party other than for the purposes of this trial, and are not to be binding
42 upon either party except in this cause.

STATEMENT OF AGREED FACTS

Subsequent to July 26, 1950 (the date on which the Chicago Land Clearance Commission adopted its resolution making a determination that the area bounded generally by West 77th Street, South Western Avenue, West 79th Street and South Rockwell Street, is a blighted vacant area), and prior to June 7, 1955 (the date on which the petition to condemn was filed in the above entitled cause), delinquent general real estate taxes for the year 1946 and prior years were cleared by tax foreclosure proceedings on each of the following lots lying within said area, namely:

Lots 20 to 31, both inclusive, and Lots 34 and 35 in Block 1;

Lots 1, 2, 3, 6, 7, 16, 22, 23, 24, 26, 27, 28, 30, 31 and 34 in Block 2;

Lots 11, 12, 17, 20, 24, 26, 27, 29 and 30 in Block 3;

Lots 1, 2, 3, 11 and 17 in Block 4;

Lots 3, 4 and 5 in Block 5;

Lots 1, 2, 4, 5, 6, 7, 8, 9, 11, 12 and 13 in Block 7;

Lots 3, 4, 6, 8, 12, 13, 14, 15, 21, 22, 23, 24, 25, 29, 31 and 34 in Block 8;

Lots 1, 5, 6, 7, 8, 9, 10, 12, 13, 17, 18, 19, 21, 26, 27, 30, 31 and 32 in Block 9; and

Lots 1, 2, 3, 4, 6, 11, 12, 26, 27, 28, 34, 35, 37, 39 and 40 in Block 10;

all in John R. O'Connors Beverly Gateway, being a subdivision of the East half (E ½) of the South half (S ½) of the Southeast Quarter (SE ¼) (excepting streets as widened, also railroad right of way) of Section Twenty-five (25), Township Thirty-eight (38) North, Range Thirteen (13) East of the Third Principal Meridian, in Cook County, Illinois.

The principal amount of taxes for the year 1946 and prior years so cleared through said foreclosure proceedings amounted to approximately $72,000.00.

In connection with said tax foreclosure proceedings the taxes for years subsequent to 1946, which were delinquent at the time of said tax foreclosure proceedings, were likewise paid in full with full penalties, and taxes for years subsequent thereto have been paid currently as the same became due.

The attached exhibit shows by lot and block number the case number of each foreclosure proceeding, the date the complaint in said proceeding was filed,
43 the date of decree of sale, the date of the decree confirming the sale, the years of delinquent taxes which were included in said foreclosure proceeding, the principal amount of the taxes included in the foreclosure proceeding, and the amount of the bid at the foreclosure sale.

If there is any discrepancy between the dates set forth in the paragraph hereof which immediately follows the heading "Statement of Agreed Facts" and the exhibit attached thereto, the dates shown in the exhibit attached hereto are correct.

LOT	BLOCK	CASE NO.	DATE FILED IN COURT	DATE DECREE OF SALE	DATE OF DECREE CONFMG. SALE	YRS. DELQT. TAXES COMPRMSD.	AMT. COMPRMSD.	AMT. OF BID
20	1	54C10583	7-16-54	8-12-54	9-10-54	1928-46	$1749.22	169.00
21	"	"	"	"	"	"	1729.22	169.00
22	"	"	"	"	"	"	1779.63	169.00
23	"	"	"	"	"	"	2668.32	259.00
24	"	51C8240	8-23-51	2-17-53	3-20-53	1929-46	1499.78	165.00
25 to 30	"	49C13293	11-17-49	2-28-50	4-14-50	1934-43	1842.24	148.00
31	"	51C7571	8-3-51	11-13-51	1-8-52	1931-46	603.60	120.00
34	"	51C4509	5-5-51	7-2-51	8-10-51	1929-46	831.81	95.00
38	"	51C6543	7-3-51	10-1-51	11-6-51	1929-46	843.05	94.00
	2							
1-2-3	"	51C10527	10-25-51	12-19-51	2-1-52	1929-46	6350.93	675.00
6	"	51S8399	5-11-51	10-26-51	12-10-51	1928-46	1972.32	180.00
7	"	"	"	"	"	"	1972.32	180.00
16	"	54S6852	4-30-54	7-30-54	8-23-54	1929-46	1006.04	100.00
22	"	51S8399	5-11-51	10-26-51	12-10-51	1930-46	1280.70	220.00
23	"	51C5795	6-14-51	8-30-51	10-11-51	1929-46	1231.87	175.00
24	"	52S7459	5-15-52	7-31-52	8-22-52	1930-46	693.44	115.00
26	"	54S19684	12-22-54	3-1-55	4-21-55	1929-46	763.05	80.00
27	"	"	"	"	"	"	178.33	24.00
28	"	54S19490	12-17-54	2-11-55	3-15-55	1941-46	178.22	24.00
30	"	54S19490	"	"	"	1928-46	933.20	90.00
31	"	"	"	"	"	"	933.20	90.00
34	"	54S19684	12-22-54	3-1-55	4-21-55	1929-46	583.99	80.00
	3							
11	"	54S6852	4-30-54	7-30-54	8-23-54	1932-46	588.89	60.00
12	"	"	"	"	"	"	588.89	60.00
17	"	"	"	"	"	"	177.37	30.00
20	"	55S2622	2-23-55	4-15-55	5-31-55	1930-46	732.52	72.00
24	"	51S3399	5-11-51	10-26-51	12-10-51	1929-46	614.12	110.00
26	"	53S2637	2-26-53	4-16-53	7-31-53	1931-46	587.01	100.00
27	"	"	"	"	"	"	587.01	100.00
29	"	52C10934	9-11-52	12-23-52	1-21-53	1929-46	733.88	98.00
30	"	54C3391	3-9-54	4-2-54	4-27-54	1929-46	770.79	78.00

LOT	BLOCK	CASE NO.	DATE FILED IN COURT	DATE DECREE OF SALE	DATE OF DECREE CONFMG. SALE	YRS. DELQT. TAXES COMPRMSD.	AMT. COMPRMSD.	AMT. OF BID
	4							
1, 2 & 3	"	52C15363	12-16-52	3-6-53	4-13-53	1932-46	$2933.22	$320.00
11	"	51S9007	5-22-51	9-7-51	10-31-51	1930-46	553.08	35.00
17	"	50C8743	9-20-50	12-18-50	1-24-51	1931-46	511.10	85.00
	5							
3	"	54S19490	12-17-54	2-11-55	3-15-55	1937-46	207.20	26.00
4	"	54C3391	3-9-54	4-2-54	4-27-54	1929-46	440.22	48.00
5	"	55S2622	2-23-55	4-15-55	5-31-55	1930-46	434.87	45.00
	7							
1	"	51S8399	5-11-51	10-26-51	12-10-51	1928-46	561.14	110.00
2	"	"	"	"	"	"	417.42	70.00
4	"	54S19490	12-17-54	2-11-55	3-15-55	1928-46	484.24	50.00
5	"	51S8399	5-11-51	10-26-51	12-10-51	1930-46	364.58	70.00
6	"	"	"	"	"	"	364.58	70.00
7	"	"	"	"	"	"	364.58	70.00
8	"	"	"	"	"	"	378.99	70.00
9	"	"	"	"	"	"	378.99	70.00
11	"	"	"	"	"	"	378.99	70.00
12	"	52C7787	7-2-52	4-2-53	5-8-53	1928-46	491.24	60.00
13	"	"	"	"	"	"	491.24	60.00
	8							
3	"	51S15498	9-11-51	12-10-51	2-25-52	1933-46	375.87	65.00
4	"	51S8395	5-11-51	7-2-51	11-1-51	1930-46	519.60	104.00
6	"	51C11366	11-16-51	1-24-52	3-11-52	1931-46	459.58	46.00
8	"	54S19490	12-17-54	2-11-55	3-15-55	1930-46	607.88	65.00
12	"	"	"	"	"	"	607.88	65.00
13	"	54C3391	3-9-54	4-2-54	4-27-54	1929-46	660.91	68.00
14	"	"	"	"	"	"	660.91	68.00
15	"	"	"	"	"	"	660.91	68.00
2	"	52C7787	7-2-52	4-2-53	5-8-53	1928-46	545.23	75.00
22	"	"	"	"	"	"	545.23	75.00
2	"	"	"	"	"	"	545.23	75.00

LOT	BLOCK	CASE NO.	DATE FILED IN COURT	DATE DECREE OF SALE	DATE OF DECREE CONFMG. SALE	YRS. DELQT. TAXES COMPRMSD.	AMT. COMPRMSD.	A'NT. OF BID
	8							
24	"	52C7787	7-2-52	4-2-53	5-8-53	1928-46	$545.23	$75.00
25	"	"	"	"	"	"	492.78	75.00
29	"	54S1398	1-29-54	4-1-54	5-14-54	1928-46	562.37	58.00
31	"	54C3391	3-9-54	4-2-54	4-27-54	1929-46	513.54	68.00
34	"	54S19684	12-22-54	3-1-55	4-21-55	1929-46	696.60	70.00
	9							
1	"	51S3744	3-1-51	5-13-51	7-3-51	1932-46	338.65	65.00
5	"	43C1179	2-2-53	8-24-43	9-24-43	1934-40	178.41	50.00
6	"	51C984	1-31-51	3-12-51	4-10-51	1930-46	642.84	130.00
7 & 8	"	42C6500	5-18-42	11-10-42	1-14-43	1930-40	656.06	125.00
9	"	51S8399	5-11-51	10-26-51	12-10-51	1929-46	735.38	100.00
10	"	"	"	"	"	"	735.38	100.00
12	"	51S3744	3-1-51	5-13-51	7-3-51	1930-46	427.41	75.00
13	"	54S19684	12-22-54	3-1-55	4-21-55	1929-46	763.05	75.00
17	"	51S3744	3-1-51	5-13-51	7-3-51	1929-46	860.94	100.00
18	"	51S14280	8-20-51	11-26-51	1-31-52	1930-46	632.68	100.00
19	"	"	"	"	"	"	533.88	100.00
21	"	48C2332	2-26-48	2-16-49	3-13-49	1931-40	273.43	22.00
26 & 27	"	54S6852	4-30-54	7-30-54	8-23-54	1929-46	1364.62	140.00
30	"	54S19684	12-22-54	3-1-55	4-21-55	1929-46	683.58	70.00
31	"	52S4378	3-20-52	5-26-42	7-25-52	1929-46	608.00	60.00
32	"	"	"	"	"	"	608.00	60.00
	10							
1,2,3 & 4	"	48C14115	12-16-48	2-16-49	3-28-49	1930-40	3406.79	327.00
6	"	50C9322	10-11-50	8-22-51	10-9-53	1929-46	1191.55	175.00
11 & 12	"	52C3227	3-13-52	6-25-52	8-18-52	1929-46	2571.96	333.60
26	"	51S3744	3-1-51	5-13-51	7-3-51	1937-46	133.92	50.00
27	"	"	"	"	"	"	133.92	50.00
28	"	"	"	"	"	1930-46	614.57	100.00
34	"	"	"	"	"	1932-46	471.30	80.00
35 & 37	"	52C12609	10-16-52	12-5-52	2-4-53	1930-46	1337.66	100.00
39	"	51S3744	3-1-51	5-13-51	7-3-51	1932-46	265.11	50.00
40	"	"	"	"	"	"	322.93	50.00

48 Order of March 5, 1956, denying Traverse, exclusive of caption, as follows:

ORDER

This Matter having come on to be heard on the traverse and the traverse in the nature of motion to dismiss, filed in the above cause by the owners or parties interested in Parcels 2-25, 2-26, 2-27, 2-31, 2-41, 2-40, 2-45, 2-48, 3-69, 352, 3-56A and 3-72, by their attorneys, Daniel A. Gallagher and Thomas McNally, and the Petitioner, Chicago Land Clearance Commission, being represented by Elsa C. Beck, William F. Morrissey and William H. Dillon;

And the Court having examined the Petition to Condemn and the aforesaid pleadings filed by the said respondents, and having heard evidence and examined the exhibits introduced by the petitioner and respondents and having listened to the arguments of counsel and also examined the memoranda of law filed herein; and,

The Court having jurisdiction of the subject matter hereof and the parties hereto, and being fully advised in the premises;

It Is Ordered that the traverse and the traverse in the nature of motion to dismiss, heretofore filed herein as above set forth, be, and they are, hereby overruled and denied;

49 It Is Further Ordered that said parcels 2-25, 2-26, 2-27, 2-31, 2-41, 2-40, 2-45, 2-48, 3-69, 3-52, 3-56A and 3-72 be, and they are, hereby set for trial on the issue of just compensation on the 23rd day of April, 1956, at 10:00 A.M. o'clock.

To the entry of of which order, the respondents and each of them, by their respective counsel, duly object and except.

Enter: D. J. Normoyle
Judge

51 Order of March 5, 1956 as to exhibits, exclusive of caption, as follows:

ORDER

It Is Hereby Ordered that the objections to the exhibits designated as Petitioner's exhibits for Identification Nos. 8, 8A, 10, 11, 12, 13, 20, 24, 25, 26, 27, 28, 29, 30, 31, 32, and 34 be, and the same are hereby, overruled and the said exhibits are hereby ordered admitted to evidence in this hearing on the Motions to Dismiss and the Traverses herein.

It Is Further Ordered that the objections to Petitioner's exhibits for identification numbered 14, 15, 16, 17, 18, 19, 21, 22 and 23 be, and the same are hereby sustained.

The Petitioner's objection to Respondents' exhibits for Identification 1 and 2 as of October 27, 1955, be, and the same are hereby overruled.

That the objections of Petitioner to Respondents' exhibit No. 1 for identification as of January 16, 1956; Respondents' exhibit No. 2 for Identification as of January 16, 1956 and Respondents' exhibit No. 3 for Identification as of January 26, 1956, and Respondents' exhibit four, be, and the same are hereby overruled. Said two exhibits of October 27, 1955, the
52 two exhibits of January 16, 1956, and the Respondents' exhibit No. 3 of January 26, 1956, together with Respondents' exhibit 4, are hereby admitted in evidence.

Petitioner's exhibit 24 for identification is the Mandate of the Supreme Court of Illinois in case No. 32520 of the Supreme Court and was filed with the Clerk of the Circuit Court of Cook County, Illinois, on April 24, 1953, and the objections thereto are

hereby overruled and said exhibit is declared admitted in evidence as Petitioner's exhibit 24.

The Stipulation of Facts in each of the three pending cases, signed by the attorneys for the Chicago Land Clearance Commission and the various Respondents in said three pending causes, which includes the "Statement of Agreed Facts", presented during the hearing is hereby admitted in evidence and is to be marked Exhibit Statement "A" as all objections thereto are overruled.

Enter: D. J. Normoyle
Judge

54 Verdict of Jury of May 23, 1956 as to Parcel 2-45 awarding the sum of $2850.00 as just compensation for the taking of property of respondents, said verdict being signed by foreman and 11 other jurors.

58 Judgment Order of May 23, 1956 on said verdict entering judgment for $2850.00 as just compensation for taking parcel 2-45, said judgment order being signed by Hon. D. J. Normoyle.

63 Post-Trial Motion filed June 18, 1956 by respondents asking that verdict and judgment be vacated and set aside and petition to condemn dismissed upon the ground that the court erred in overruling and denying the traverse of respondents in that as specified in said traverse and as shown by the hearings upon the traverse petitioner was not authorized to condemn respondents' property; that petitioner failed to establish by a prima facie case that it seeks to acquire the property for a proper public purpose; that it had failed to establish that all necessary circumstances and conditions existed and that it has complied with all legal requirements; that petitioner

failed to show that the Act authorized the acquiring of respondents' property; or that the Act applied to respondents' property; that petitioner failed to establish that the said Act is constitutional as applied to respondents' property; that it failed to show that said property and the area surrounding was a blighted vacant area within the definitions of the Act or that the classification of the property and the area as being a blighted vacant area and a part of such an area was not an unreasonable and unsound classification; that the Act specified that the land must be unmarketable because of tax delinquencies
63 exceeding the fair value of the land etc. and that in support of its said determination of July 26, 1950 petitioner placed in evidence a document dated July 26, 1950 entitled "Analysis and Recommendations of the Planning Division on the Blighted Vacant Land Site at 79th Street and Western Avenue" and said document affirmatively shows that petitioner mistakenly determined that said property was blighted because tax delinquencies exceeded not the fair value but the 1949 assessed valuation of said property as determined by the Assessor of Cook County five years before the Petition to Condemn was filed on June 7, 1955 and that said document also affirmatively shows that the petitioner found no delinquent special assessments of any consequence on said property; and that said document and other documents, including the Ordinance of November 4, 1954, affirmatively shows that the only site improvements are sewers and sidewalks and the sewers are in excellent condition; that even if the determination was valid as of July 26, 1950 it was not a valid determination because it was made five years before the filing of the Petition to Condemn on June 7, 1955; that the evidence shows

that the growth and development of the area was arrested and impaired by acts of the City of Chicago in revoking the building permits of respondents and others; that it was affirmatively shown that Plan No. 1 of Normandy Homes Inc. as developer was first adopted and that said Plan was wasteful in that it failed to utilize excellent sewers and that said Plan No. 1 was substituted for Plan No. 2, which plan was in violation of the Municipal code of the City of Chicago in that no public alleys were provided; that the second plan was ultra vires the petitioner in that it exempts, without authority, two vacant lots whose "owner has agreed to conform his building plan to our redevelopment plan"; and it seeks to condemn for off-street parking for the benefit of one private person and it seeks to condemn respondents' property to provide a recreational facility for persons not within the area; that it was affirmatively shown that no proper or legal determination was ever made that the property of respondents was in a slum or blighted area or a blighted vacant area; that it was affirmatively shown at the hearings on the Traverse that no tax delinquencies of any consequence existed as of the date of the filing of the petition to condemn on June 7, 1955 and it followed that as of said date the properties in said area were no longer "blighted" by tax delinquencies; that the delay of petitioner for a period of almost five years from July 26, 1950 until June 7, 1955 constituted an abandonment by petitioner; that said abandonment was apparent from the fact that a great number of tax foreclosures were filed to compromise tax delinquencies on 105 lots in the area and petitioner had done nothing to prevent said tax foreclosures from being instituted and com-

pleted; that it was shown at the hearings on the Traverse that petitioner did abandon the project and had permitted the erection of buildings or failed to prevent the erection of structures in the area from July 26, 1950 to November 4, 1954; that at the hearings on said Traverse evidence was adduced that petitioner, using assessed valuation in its determination of July 26, 1950, valued 32 residential lots in Block 9 in said project at an average value per lot of $357.00, a gross and incredible undervaluation in view of the verdict of the jury placing the value of respondents' lot in the same Block 9 at the sum of $2850.00; that the "Blighted Areas Redevelopment Act of 1947" as amended is invalid and that said Act fails to define the phrases "Diversity of ownership" and "obsolete platting" and "improper zoning" used in said Act and has therefore failed to set up proper standards to guide the petitioner and the City of Chicago and the State Housing Board and said Act is therefore unconstitutional as an improper delegation of legislative functions; that the entitling of said Act was improper; that said Act is unreasonable, arbitrary and discriminatory in that it seeks to make respondents' property subject to condemnation and acquisition because of non-payment of taxes on other properties not owned by respondents or subject to any control by respondents.

74 Order of July 2, 1956 as to Parcel 2-45, exclusive of caption, overruling and denying Post-Trial Motion, as follows:

ORDER

This cause coming on to be heard upon the Post-Trial Motion heretofore filed herein of the respondents, Thomas O'Donnell and Mary O'Donnell, his

wife, the owners of that parcel of real property described in this cause as Parcel 2-45, the Court having heard the arguments of counsel and after due deliberation by the Court,

It Is Ordered that said Post-Trial Motion is hereby overruled and denied.

Enter: D. J. Normoyle
Judge

76 Notice of Appeal and Proof of Service thereof both filed by the respondents in the office of the Clerk of the Circuit Court of Cook County, Illinois on August 28, 1956.

79 Praecipe For Record and Proof of Service thereof both filed by the respondents in the office of the Clerk of the Circuit Court of Cook County, Illinois on August 31, 1956.

82 Order entered by Hon. D. J. Normoyle on October 1, 1956 approving Report of Proceedings.

Report of Proceedings had and testimony taken before Honorable Denis J. Normoyle at hearings on the Traverse as to Parcel 2-45.

STATEMENT BY MR. MORRISSEY.

88 That the area involved in condemnation consists of about 40 acres and about 164 parcels and that a quo warranto case was appealed to the Supreme Court of Illinois and this case upheld the validity of the amendments to the Blighted Areas Act; that paragraph 6 of the Judgment Order of the Circuit Court of Cook County in the quo warranto case states "Said area described in the Plan is a blighted vacant area which, by reason of obsolete platting, diversity of ownership, deterioration of site improvements and

tax foreclosures exceeding the assessed value of the entire area is unmarketable."

STATEMENT BY MR. GALLAGHER.

93 That respondents in this action were not parties to that action and the decision that it is a blighted area as of that time is not binding upon respondents;
99 that the authorization for condemnation and the determination as of 1950 are stale and more than a reasonable time has elapsed between the time authorized to proceed and the time they actually did proceed; that conditions have changed and the determination that this might have been a blighted area in 1950 does not hold good in 1955.

104 Petitioner's Exhibit No. 1, the resolution of the City Council of the City of Chicago dated July 16, 1947 declaring the need for a Land Clearance Commission offered in evidence and received without objection.

106 Petitioner's Exhibit No. 2, certificate of necessity, dated August 25, 1947, of the State Housing Board authorizing creation of Chicago Land Clearance Commission offered in evidence and received without objection.

109 Petitioner's Exhibit No. 3, Certificate of Appointment of Chicago Land Clearance Commission Commissioners by Mayor of City of Chicago dated September 26, 1947 offered in evidence and received without objection.

112 Petitioner's Exhibit No. 4, Certificate of Approval dated September 26, 1947 of State Housing Board approving appointment of Chicago Land Clearance

Commission Commissioners offered in evidence and received without objection.

115 Petitioner's Exhibit No. 5, Certificate of Approval dated September 28, 1948 of State Housing Board approving re-appointment of Commissioner Michael J. Long offered in evidence and received without objection.

118 Petitioner's Exhibit No. 6, Certificate of Approval dated September 21, 1949 by State Housing Board approving re-appointment of Commissioner John McKinlay offered in evidence and received without objection.

122 Petitioner's Exhibit No. 7, Organization meeting, minutes of meeting held by Chicago Land Clearance Commission on October 28, 1947 offered in evidence and received without objection.

130 Mr. Morrissey: The petitioner now offers Petitioner's Exhibit No. 8 for identification, consisting of five pages, together with an attached pamphlet, with a green backing on the face thereof, of approximately 20 pages, and said report attached to the resolution has on the green face cover thereof "Report to the Commission-Site Designation and Redevelopment Plan—Redevelopment Project 2, Chicago Land Clearance Commission Plan Division". The petitioner offers said Petitioner's Exhibit No. 8 for identification in whole as Petitioner's Exhibit No. 8.

Mr. McNally: To which we object. It is an attempt to make a determination of the condition of the land without notifying in any way the parties at the time the petition was made, there is no evidence that anybody was served and so it is a violation of the rights guaranteed under the Constitution, it deprives the people of their property without due process.

Mr. Gallagher: I join in the objection and I further object to this exhibit which is apparently a determination of the Chicago Land Clearance Commis-
131 sion dated July 26, 1950, which is approximately five years before the filing of this lawsuit. I would say that more than a reasonable time has elapsed since this determination so that the determination at this time has no validity as a determination that this property is a blighted area. I object to its being received in evidence for the reasons stated by Mr. McNally and for the further reason that it is now obsolete.

The Court: I will have to read it before I could understandably pass on the objection. You may mark it and it can be held. Go on with the next.

Mr. McNally: So that we do not clutter up the record, can it be understood that any objections that
132 Mr. Gallagher makes I join in and any objections that I make Mr. Gallagher joins in.

The Court: All right.

Mr. Morrissey: The petitioner now offers Petitioner's Exhibit No. 9 for identification, purporting to be the ordinance of the City Council of the City of Chicago approving the determination and the plan of the Chicago Land Clearance Commission that Redevelopment Project No. 2 should be acquired. The ordinance is dated July 11, 1951.

Mr. Gallagher: I should like to note for the record that the ordinance approves a plan that is not the plan presently contemplated in the acquirement of this property. I also object to that because it is dated July 11, 1951, some four years prior to the commencement of these three condemnation suits. I say that the determination is obsolete by the passage of time, more than a reasonable length of time

has elapsed between the passage of that ordinance and the filing of the condemnation suits.

The Court: The instrument offered may be re-
133 ceived in evidence and marked as requested.

Petitioner's Exhibit No. 9, Ordinance of the City Council of the City of Chicago dated July 11, 1951 approving the determination of the Chicago Land Clearance Commission that Blighted Vacant Area Redevelopment Project Number 2 should be acquired and to approve the redevelopment plan for the said project received in evidence.

143 Petitioner's Exhibits Numbers 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33 and 34 for identification offered in evidence and objections thereto made by respondents' attorneys. The Court reserves its ruling on said exhibits and objections.

Mr. Gallagher: Judge, Mr. Dillon and I have a stipulation—so as to make the record clear. It is stipulated that on September 19, 1951 John S. Boyle, State's Attorney of Cook County, filed the Quo Warranto proceedings in the Circuit Court of Cook County. It is also stipulated that these proceedings questioned the right of the Chicago Land Clearance Commission to proceed to acquire the very same real
198 property involved in this condemnation case, that is, the area in the City of Chicago bounded by 79th Street, 77th Street, Western Ave., and Rockwell Street. Is that our stipulation, Mr. Dillon?

Mr. Dillon: That is our stipulation.

Mr. Gallagher: It is further stipulated that an appeal was taken from the final judgment of the Circuit Court of Cook County in said Quo Warranto

proceedings and the opinion of the Supreme Court of Illinois in that appeal is reported in 414 Ill. 600.

Mr. Dillon: That is also stipulated.

Whereupon petitioner rested its case.

200 IRA J. BACH, called as a witness by the respondents, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. Gallagher.

My name is Ira J. Bach. I live at 717 West Junior Terrace, Chicago. I am executive director of the Chicago Land Clearance Commission and have been so engaged since 1948. I am familiar with the document entitled "Report to the Commission, Site Designation, Redevelopment Plan, Redevelopment Project Number Two", prepared under my direction by the staff of the Chicago Land Clearance Commission.

I am generally familiar with the area bounded by Rockwell Ave., Western Ave., 79th St. and 77th St.,
205 the site of Redevelopment Plan No. 2. This area is improved with a public improvement which is a sewer grid system.

206 I am not familiar with the costs that the City has borne by reason of tax delinquency in that area and I do not know of any statistics of crime and brush fires in that vacant area. In the area the 79th St.
208 lots are mostly platted into twenty-five foot lots, as are also South Western Avenue lots. On the other
209 streets the lots average about thirty-five feet wide. I cannot recall how many of these twenty-five foot lots are under the same ownership.

210 I am familiar with the two lots at the Northeast corner of 79th and Artesian, legally described as Lots

38 and 39 in Block One in O'Connor's Beverly Gateway Subdivision, comprising a frontage of 67.23 feet on 79th Street.

212 I am familiar with the City Ordinance of November 4, 1954 which states that the owner of the two lots at the Northwest corner of 79th & Artesian Ave. within the project intends to build a commercial structure which will contain a real estate office and one or two shops and this owner has agreed to conform his building plan to our redevelopment plan. I am familiar with that statement.

218 I am also familiar with the langauge of the November 4, 1954 ordinance with respect to the recreation area at the west side of the project. At the present time we do not have an agreement to bring that area into being.

222 I know what is meant by diversity of ownership and I don't believe that the statute contemplated such diversity of ownership as where John Smith dies and leaves a lot with twelve children owning it. Diversity of ownership is where one owner owns a twenty-five foot lot and you have two hundred seventy-five lots with two hundred seventy-five different owners. When I use the phrase "diversity of ownership" I was talk-
223 ing about many lots being owned by many different people.

As of July 26, 1950 my plat shows Lots 4 and 5 in Block 2 under one ownership, Lots 6 and 7 in Block 2 under one ownership; Lots 8 9 and 10 in Block 2 are under one ownership; and it is a fair state-
226 ment that so far as diversity of ownership is concerned you have a diversity of several owners who all have frontages larger than twenty-five feet.

227 Lots 1, 2 and 3 in Block 3 are under one ownership; Lots 4 & 5 in Block 3 are under one ownership; Lots

6 and 7 in Block 3 are under one ownership; Lots 8, 9 and 10 in Block 3 are under one ownership.

With respect to Western Avenue Lots 1, 2, 3 and 4 in Block 10 comprising a frontage of 111.86 feet on South Western Ave. my plat shows one ownership.

With respect to Lots 7 and 8 in Block 10, 50 feet of frontage, these lots are under one ownership; Lots 5 and 6 in Block 10 are separate ownerships. Lots 13 and 14 in Block 10 are under one ownership; Lots 15 and 16 in Block 10 are under one ownership; Lots 17 and 18 in Block 10 are under one ownership; Lots 19 and 20 in Block 10 are under one ownership; Lots 21, 22 and 23 in Block ten are under one ownership.

With respect to the platting of the area I found streets 66 feet wide and alleys 16 feet wide. I found inside lots 35 feet wide. I found a set-back line on the interior streets of 20 feet.

Modern subdivision planning and modern city planning today has several standards which we try to reach in new platting, and new subdivisions, and in a case of this kind we felt it compulsory to assume modern planning standards so in the final plan we eliminated several streets. We eliminated the east-west streets within the project area and a portion of the north and south streets. We did not want any through traffic. We set it up as nearly as possible a quiet neighborhood. In so far as lot widths are concerned I think the minimum size lots recognized across the country today as standard is 40 feet, and as you see in our plan, although it doesn't show here, we made the size fifty feet of the individual lots here, that would be for single family homes. We decided that we would even go above the minimum standards and take what we considered to be our standards for

good planning in Chicago. In my opinion the way it was platted originally the platting was obsolete. We have eliminated 78th St. and 77th Pl. and 78th
243 Pl., and we have eliminated several of the alleys.
246 Most of the alleys have been eliminated.

Examination by Mr. McNally.

250 The original plan of development of Normandy Village was approved by the Chicago Land Clearance Commission, the State Housing Board and the Council of the City of Chicago. This plan was abandoned.

255 The determination made by the Chicago Land Clearance Commission dated July 26, 1950 is the only determination or survey that the Land Clearance Commission made as to whether or not the areas herein were blighted areas, and there has been no subsequent determination. As executive director and as keeper of their records, I don't know the condition of this land
258 as to general tax delinquency as of September 8th, 1954. There is no subsequent report to the Commission in so far as tax delinquency is concerned. There
259 was no investigation shortly before June 6, 1955 of the situation as to tax delinquency.

277 JAMES SHALLOO, called as a witness herein on behalf of respondents, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. Gallagher.

My name is James Shalloo and I live at 7917 S. Green Street. I am a builder. I build residences and stores. I have done more building around that neighborhood where we are talking about than any other

neighborhood in the past 10 years. I am familiar with the area and I have done some building there. In the summer of 1949 I built a building at 7704 S. Artesian Ave. and a building at 7708 S. Artesian Ave.
279 I built 7704 S. Artesian Ave for Peter Kelly, and I built 7708 S. Artesian Ave. for John Weber and his wife.

280 Respondents' Exhibit 1 for identification as of January 16, 1956 is the permit which I took out to build another building in that area. I applied for it and it was granted to me on or before the date it bears.
281 I didn't complete the house because the Building Department of the City of Chicago wrote me a letter and told me the permit was revoked or cancelled. I don't have the letter. I gave it to the owner of the property, Tom O'Donnell.
285 After I received the letter I went to the Building Department of the City of Chicago. I saw one of the men at the desk and I approached somebody to see why the permit was revoked. I might have gone to two or three before I found out.
286 On the two houses that I built at 7704 S. Artesian and 7708 S. Artesian I supplied water facilities, pipes and so on to these two houses.

Cross Examination by Mr. Morrissey.

I don't have a legal description of the property located at 7704 S. Artesian and 7708 S. Artesian Avenue.

287 JAMES J. PICKETT, called as a witness by respondents, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. Gallagher.

My name is James J. Pickett. I live at 8043 S.
288 Wood St., Chicago, Illinois. I am a builder by occu-

pation and I have done building in the City of Chicago, mostly within a mile of 79th and Western. I am generally familiar with the area from 79th to 77th Sts., Western to Rockwell.

I had a permit to build on Lot 13 in Block 7 in John R. O'Connor's Beverly Gateway Subdivision. I was retained to build a residence there by a Doctor
289 Carlson. The permit was issued in about 1953. They asked me to return it to the City Hall. I was notified by letter that my permit was revoked. I have looked at respondents' Exhibit 2 for identification as of January 16, 1956 and that is the letter of revo-
291 cation. I returned the permit pursuant to that letter.

I had proceeded under this permit as far as secur-
292 ing different sub-contractors to start the work. I had not done any actual construction or excavating. At the time the permit was revoked I had not done anything.

297 Mr. Morrissey: No cross-examination.

299 THOMAS O'DONNELL, a witness called on behalf of the Respondents, having been first duly sworn, testified as follows:

Direct Examination by Mr. Gallagher.

My name is Thomas O'Donnell. I live at 8243 South Troy Street, Chicago, Illinois. I own the property at 7722 S. Artesian Avenue, Chicago, Illinois. I have owned it since March, 1951.

300 On July 11, 1951 I applied for a building permit to erect a building on that property. The permit was granted to me. I got a letter from the Building De-
303 partment revoking the permit. I received it by mail from the Department of Buildings of the City of Chicago on or about August 10, 1951. My contractor
304 was Jim Shalloo.

306 Respondents' Exhibits 1, 2, and 3 for identification again offered in evidence, to which there was objection and the Court reserved its ruling.

313 HARRY I. KANE, a witness called on behalf of the Respondents, having been first duly sworn, testified as follows:

Direct Examination by Mr. Gallagher.

My name is Harry I. Kane. I live at 19 South Lotus in Chicago, Illinois. I am Chief Zoning Examiner for the Department of Buildings, City of Chicago. I have been employed in the Building Department of the City of Chicago since 1941 and have been Chief Zoning Examiner since 1950. Prior to that
314 time I was Assistant Zoning Examiner. As Assistant Zoning Examiner my duties required me to examine all applications submitted for building permits. Also I was required to check plans and to check for li-
315 censes, for sign boards and things of that sort. At that time I had authority to approve or disapprove all applications for permits. During the years 1950 to 1955 inclusive my duties generally were the same.

316 In connection with my duties I use reference books. I use the Chicago Zoning Ordinance. I have the book that I used with me at this time and it is the same book I have used since 1950. A portion of this book
317 has reference to the property located at 79th to 77th and Western Avenue to Rockwell in Chicago. I have
318 that particular portion of the book that indicates that property and it is actually marked Map 36. The notations on this map, C.O. 7/11/51, Page 617, and the
319 second date, 9/27/54, was the date on which we took
321 notice of an ordinance. The purpose of these mark-

ings was to notify us of any proposed use of that land for public purposes or land clearance for parks, and so forth and we hold the issuance of permits on
325 any of these flags we show in the book. I take into consideration the whole page.

Examination by Mr. McNally.

326 Since 1950 the Building Department has issued permits for this land. I don't know what the disposition was of those permits.

327 *Cross Examination by Mr. Morrissey.*

329 The final markings on the page, the date 9/27/54, is not my writing. It was put in there by someone unknown to me. The other marking refers to the Council Journal of Proceedings. I inserted this Council order of 7/11/51 for my own information. The
331 date was put in there to indicate to us that this was to be held for land clearance and that is the only
334 reason I know of. Some of these blocks are colored red and this coloring was done by a representative of the Zoning Board of Appeals of Chicago who comes up and marks our books any time that there is a change in the zoning ordinance.

Redirect Examination by Mr. McNally.

This is the book that I use in my official capacity as a Zoning Examiner for the Building Department, and I have been using that book since 1949 or thereabouts.

337 Mr. Gallagher: Now your Honor, we have worked out a stipulation on the tax situation and therefore in view of the stipulation I will withdraw my Notice to Admit Certain Facts heretofore submitted. The

stipulation is in writing and is to be part of the record in this Case and we offer it in evidence as Exhibit Statement "A".

Mr. Dillon: Judge, we have joined in this stipulation but we want it noted that we have agreed as to the facts as set forth in this stipulation but we object to the materiality, competency and relevancy of these facts. And we would like such objection to be noted for the record.

The Court: Your objection may be so noted.

Mr. Dillon: We understand Mr. Gallagher and Mr. McNally are willing to stipulate that a written offer to purchase was made to their clients, the owners of the property here in question, prior to the filing of the petition to condemn, and that such offer was not accepted.

Mr. McNally: It is so stipulated.

Mr. Gallagher: It is so stipulated.

Which was all of the evidence offered on the part of the Respondents.

339 Petitioner's Exhibit No. 8, Resolution No. 50-CLCC-56, Determination Of July 26, By Chicago Land Clearance Commission That land at 79th Street and Western Avenue should be acquired; that said land has been investigated; that the land lies between 77th and 79th Street, Rockwell Street and Western Avenue in the City of Chicago, Illinois; that the Com-
341 mission finds, based upon a study of said area by the Chicago Plan Commission and based upon a report on said area attached to said Determination and entitled "Analysis and Recommendations of the Planning Division of the Blighted Vacant Land Site at 79th and Western Avenue" dated July 26, 1950, that the area consists of predominantly open urban land

which because of obsolete platting, diversity of ownership, deterioration of structures or of site improvements or taxes or special assessment delinquencies exceeding the fair value of the land, substantially impairs or arrests the sound growth of the community and which is to be developed for predominantly residential uses; that said area should be acquired pursuant to the provisions of the statute; that
348 a diversity of ownership exists because 157 different owners would have to be contacted in order to ac-
349 quire 264 lots; that this great diversity of ownership when combined with other factors has prevented de-
350 velopment in the area; that "Exhibit XIII shows tax delinquencies as a percentage of the 1949 assessor's valuation by block; that it should be noted that in 5 of the 10 blocks the delinquency exceeds the total valuation; that in the area as a whole delinquencies exceed assessed value by almost $6300.00; that Exhibit XIV showing total tax delinquency as a percentage of the 1949 assessed valuation by lot indicates that in 45% of the lots delinquencies exceed the assessed value"; that according to Exhibit XIII
364 of the Analysis and Recommendations total tax delinquencies for 264 lots in the 10 blocks of the area amounted to a total tax delinquency of $123,796.44; that as depicted in the said exhibit assessed value of the 264 lots in the 10 blocks in the area amounted
365 to an assessed value of $117,499.00; that Exhibit XIV in said Analysis and Recommendations depicts graphically the total tax delinquency since 1927 as a percentage of 1949 assessor's valuation by lot.

373 Petitioner's Exhibit No. 8a, Resolution of Chicago Land Clearance Commission No. 51-CLCC-34 to approve the redevelopment plan for Blighted Vacant

Area Redevelopment Project No. 2 dated June 11, 1951.

378 Petitioner's Exhibit No. 10, Resolution No. 51-SHB-54 of State Housing Board Approving the Redevelopment Plan for Blighted Vacant Area Development Project No. 2 dated July 11, 1951.

383 Petitioner's Exhibit No. 11, Resolution No. 54-CLCC-74 of Chicago Land Clearance Commission to Approve the substituted Redevelopment Plan for Blighted Vacant Area Redevelopment Project No. 2 dated September 8, 1954.

403 Petitioner's Exhibit No. 12, Ordinance dated November 4, 1954 of the City of Chicago approving the substituted Redevelopment Plan for Blighted Vacant Area Redevelopment Project No. 2.

416 Petitioner's Exhibit No. 13, Resolution of the State Housing Board adopted November 17, 1954, Resolution 54-SHB-87 Approving Amended Redevelopment Plan For Blighted Vacant Area Redevelopment Project No. 2.

421 Petitioner's Exhibit No. 20, Final Judgment Order dated May 14, 1952 in Quo Warranto case, Circuit Court of Cook County No. 51 C 9074 entitled People of the State of Illinois, ex rel. John S. Boyle, State's Attrney of Cook County, Plaintiff, *vs.* City of Chicago, a municipal corporation; Chicago Land Clearance Commission, a municipal corporation, et al.

427 Petitioner's Exhibit No. 24, Mandate of the Supreme Court of Illinois dated March 23, 1953 affirming judgment of the Circuit Court of Cook County in Quo Warranto Cause 51 C 9074.

428 Petitioner's Exhibit No. 25, Chicago Zoning Ordinance Passed by the City Council of the City of Chi-

cago on April 5, 1923 as amended to and including December 31, 1944.

543 Petitioner's Exhibit No. 26, Amendment of July 11, 1951 to the Zoning Ordinance of the City of Chicago.

545 Petitioner's Exhibit No. 27, Amendment of December 9, 1954 to the Zoning Ordinance of the City of Chicago.

547 Petitioner's Exhibit No. 28, Amendment of December 9, 1954 to the Zoning Ordinance of the City of Chicago.

549 Petitioner's Exhibit No. 29, Amendment of December 16, 1954 to the Zoning Ordinance of the City of Chicago.

551 Petitioner's Exhibit No. 30, Amendment of December 9, 1954 to the Zoning Ordinance of the City of Chicago.

553 Petitioner's Exhibit No. 31, Amendment of December 9, 1954 to the Zoning Ordinance of the City of Chicago.

555 Petitioner's Exhibit No. 32, Amendment of December 9, 1954 to the Zoning Ordinance of the City of Chicago.

557 Petitioner's Exhibit No. 33, Amendment of December 9, 1954 to the Zoning Ordinance of the City of Chicago.

558 Petitioner's Exhibit No. 34, Amendment of December 9, 1954 to the Zoning Ordinance of the City of Chicago.

560 Respondents' Exhibit No. 1 as of Jan. 16, 1956, Permit issued by the Building Department of the

City of Chicago on July 11, 1951 to Thomas O'Donnell to erect a one-story residence at 7722 S. Artesian Avenue in Chicago, Illinois.

561 Respondents' Exhibit No. 2 as of Jan. 16, 1956, letter of the Department of Buildings of the City of Chicago to Mr. James J. Pickett revoking permit for erecting one-story residence at 2543 W. 77th St., Chicago, Illinois.

562 Respondents' Exhibit No. 3 as of Jan. 26, 1956, letter of the Department of Buildings of the City of Chicago to Mr. Thomas O'Donnell revoking permit for erecting one-story residence at 7722 S. Artesian Avenue, Chicago, Illinois.

563 Respondents' Exhibit No. 4 as of February 1, 1956, Map 36 of the copy of the Zoning Ordinance of the City of Chicago used by Mr. Harry I. Kane, Chief Zoning Examiner for the Department of Buildings of the City of Chicago, with markings on said Map 36.

564 Exhibit Statement "A", Stipulation of Facts, not abstracted because this Exhibit Statement "A" is heretofore abstracted, having also been filed in the lower court as a pleading. (See Record pages 41 to 46 and Abstract of said pages of the Record).

570 State of Illinois }
County of Cook } ss.

I, Denis J. Normoyle, Judge of the Circuit Court of Cook County, State of Illinois, presiding judge at the hearing of the above-entitled case, do hereby certify that the above and foregoing is a true and correct Report of Proceedings at the said hearing.

And, forasmuch, therefore, as the matters and things hereinbefore set forth do not otherwise fully appear of record, the petitioner tenders this, its Report of Proceedings, and prays that the same may be signed and sealed by the Judge of this Court pursuant to the statute in such case made and provided.

Which is accordingly done, this 11th day of October, A.D. 1956.

Denis J. Normoyle,
Judge of the Circuit Court of
Cook County

Examined and Approved,
William J. Dillon

571 Certificate of Francis X. Connell, Clerk of the Circuit Court of Cook County, that the above and foregoing is a true, perfect and complete record on appeal.

Daniel A. Gallagher,
Attorney for Appellants.